

**REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
TUESDAY, MARCH 3, 2009
7:30 p.m.**

Mayor Ray Ewing called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

Vice Mayor Shull gave the invocation.

Roll call showed the following present:

Vice Mayor Shull, Council member Ron Bowers, Council member Linden A. Fravel, Jr.,
Council member Michael Grim, Council member James Harter, Council member Hollis.

Staff present: Mike Kehoe, Town Manager; Brian Henshaw, Town Planner; David Griffin, Town Attorney, Kathy Monk, Town Treasurer Dianne MacMillan, Town Clerk; Ron Fox, Police Department

Citizens: Mr. Bill Dodson, 5148 Main Street Press: None present

Guests: Evan Wyatt, Greenway Engineering; Ron Mislowski and Patrick Sowers, Patton, Harris, Rust & Assoc.; Jim Nichols, Jim Nichols Construction

AGENDA

Mayor Ewing asked that the Agenda be approved. Council member Harter moved to adopt the agenda and the motion passed.

PUBLIC COMMENTS

None

PUBLIC HEARINGS

A. Proposed Amendment to Special Use Permit #3-04, Maplewood Terrace – Jim Nichols

Mayor Ewing asked the Town Planner, Brian Henshaw for a brief background on the topic of the public hearing. Mr. Henshaw reported that the Planning Commission had been working with the applicant for the past several months. Mr. Nichols had a special use permit to construct eight townhomes along Plymouth Street and he was requesting to change the layout to construct seven duplexes along Plymouth Street. Mr. Henshaw said that the Planning Commission recommended approval to council because this change would be a lower density and a less intense use.

Mayor Ewing opened the public hearing and asked for comments or questions. Mr. Bill Dodson said his concern was the same concern from previous meetings - that was increased

drainage. He said that drainage from Mr. Nichols' property runs downhill and south across his property. He said that was his major concerns.

There being no further comments, Mayor Ewing closed the public hearing.

PRESENTATIONS

A. Davis Property Rezoning Application – Preliminary Presentation

Mayor Ewing asked Mr. Henshaw for a brief background on the rezoning. Mr. Henshaw said the property was currently zoned R1 and R2 with a plan to rezone it to R3 zoning with a Newtown Development District Overlay. He said the proposal would be a mixture of residential and commercial and the entire development would be age restricted. He said it would feature approximately 60 single family dwellings; 4 detached with duplexes or quadplexes on a single story and 160 condominium units in the rear portion of the prop. He stated that the Planning Commission studied the plan thoroughly and included a site visit with balloon testing for height.

Mr. Patrick Sowers representing the applicant, the Long Company said the purpose was to have council set a public hearing date for the application. He said he knew Council was waiting for the Joint Land Use Plan and Map amendments to be approved by Frederick County which should be in a couple of weeks. He asked that Council consider setting a public hearing contingent on this approval. Mr. Sowers said the site in question was on the north end of town and adjoined the Russell property. He advised that half of the property was town and the other part was in the County in the annexation area. He explained that the plan did meet the requirements of the comp plan. He showed the development plan with the layout as a grid pattern keeping with the town streets. He said there would be one connection to Route 11 and the developer would proffer to meet any VDOT requirements for this entrance. He indicated the location of the different housing and commercial areas on the preliminary plan. He added that the open space would be open to the public including the 10 foot hiking/biking trail and all would be maintained by the homeowners association. He reviewed the proffers for Council.

Mayor Ewing asked if the streets and alleys would be maintained by HOA and the answer was yes. Mr. Kehoe asked if there were any housing design concepts for the housing product. Mr. Sowers said that there was an exhibit plan being put together as far as layout. Mr. Kehoe said he was concerned that if the property was sold modular homes could be put in. He asked if this could be addressed in a proffer statement to address housing product or to narrow the particulars that could vary. Mr. Henshaw said he believed there was something in the proffer about masonry mix with stucco and some front elevations. Mr. Sowers said he would take a look at the residential product. He asked if Council could set a public hearing for this proposal and the Russell development conditioned on County

Mayor Ewing asked if Council was comfortable setting a date for public hearings. Mr. Henshaw noted that they could not set a date prior to approval but he felt the applicant would be satisfied that Council would set public hearing once the County has approved the Joint Land Use Plan and Map. Council member Grim wondered if there was enough information available for

complete public input. Mr. Henshaw advised that during the public hearing everyone would see a more in-depth presentation.

Council member Hollis moved that Council proceed with setting a public hearing contingent upon Frederick County approving the Joint Land Use Plan and Map. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

B. West Wynd Final Subdivision Plan – Preliminary Presentation

Mayor Ewing asked Mr. Henshaw for a brief update. Mr. Henshaw reported that the Planning Commission held a public hearing at the last meeting and recommended approval of the final subdivision for West Wynd. He advised that Mr. Wyatt was present to present the final plan and ask for council to set a public hearing.

Mr. Wyatt, Greenway Engineering, reviewed the history of the project. He stated that after the Town adopted new karst terrain ordinance, he reviewed the entire property and identified 3 additional karst or sink-hole areas that were remediated. He reported that the engineering documents for the future western bypass had received approval from VDOT and the town. He said the project should move forward fairly quickly after public hearing. He reviewed the proposed plan with Council which covered design according to the Town's comp plan. He pointed out the proposed street extensions to tie into town existing streets, buffers, landscaping and other design elements. He said the regional storm pond was designed now as a dry pond but the design shows keeping a continuous sidewalk around it. Mr. Wyatt said there would be a public park proffered as graded, with equipment, mulched, handicapped accessible and with six lighting fixtures that once done would be dedicated to the town. He reported that the bypass design and road designs for single family and town houses have received approval from the engineers and they had addressed comments from the Planning Commission and recommendations from the Fire Marshall. Mayor Ewing asked for questions. Mr. Kehoe asked if the stormwater pond could be used as a rain garden based on the geology of this area. Mr. Wyatt said he could look into this idea. Mayor Ewing said the public hearing would be scheduled for next month by consensus of Council.

MINUTES – February 3, 2009 Regular Meeting

Council member Fravel moved for approval of the minutes of February 3, 2009 as presented and the motion carried by the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

TREASURER'S REPORT

The Mayor asked for questions or comments on the Treasurer's report and there were none. The Treasurer's report was accepted as presented.

POLICE REPORT

Mayor Ewing said the police report had been distributed and said that Officer Ron Fox would be representing the chief to address any questions. Office Fox reported that the police department had actually received M14 weapons not as noted in the newsletter M16's.

ACTION AGENDA

A. Amendment of Special Use Permit #3-04 Maplewood Terrace-Jim Nichols Construction

Mr. Henshaw said he provided a preliminary report with background information regarding stormwater issues as mentioned in the public hearing. He added that this would be reviewed during approval of the site plan which Mr. Nichols would be required to provide. Mr. Kehoe said there were stormwater calculations and a stormwater detention basin for the entire site but this would be revisited with additional coverage of the site. Mr. Henshaw said it was important to note that these duplexes would be one bedroom units on a single floor which would result in lower density. He said that the owner had several requests for this type of housing.

Council member Grim moved to approve the Jim Nichols Special Use Permit #3-04 Amendment to change from constructing 8 townhouses to 7 duplexes along Plymouth Street, each being a one bedroom single story dwelling. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

B. Joint Land Use Map

Mayor Ewing introduced the subject of the joint land use map. Mr. Henshaw said per discussions from last meeting, the recommended discrepancies have been addressed and reviewed by Mr. Kehoe. The Mayor asked if all had been corrected. Mr. Kehoe said the only

thing not changed was the intrusion of the conservation area into the 43 acres of town property. He pointed out that this was already on the original land use plan and the county staff was reluctant to modify it without going back to the land use committee. He added that this should be rectified at some point in the future. Mayor Ewing said it should be pursued at a later date.

Vice Mayor Shull moved to adopt the amended Land Use Plan Map. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

C. Western By-Pass Right-of-Way – Bowman-Shoemaker

Mr. Henshaw turned the presentation over to Mr. Wyatt. Mr. Wyatt said they had received VDOT approval of the actual bypass road design. He said the owner was committed to dedicate a right of way on property they control. He said the two plats involve properties controlled by Bluestone. He added that approval was received from VDOT and the town signed off on VDOT plans this year. He said the rights of way involve two separate properties in that portion of the Bluestone tract which jibes with the approved road plans for those parcels. He added that this would insure consistency with approved road plans. He said with the stimulus money which can be applied for these would be shovel-ready projects and the right of way would facilitate that. Council member Fravel asked about splits showing on parcel 48. Mr. Wyatt explained that those were access easements for ingress and egress by Chemstone and Frederick County Sanitary Authority and there was no need for vacations at this time because no public streets have been dedicated.

Council member Fravel moved to accept the right of way from Bluestone Industrial Development for the western bypass. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

D. Resolution of Appreciation – Cardinal Electric Supply

Mayor Ewing introduced the resolution saying that Cardinal Electric had been a long time business and valued citizen of the town. He said Council should recognize its importance to the community on its closing.

Vice Mayor Shull moved to adopt the Resolution of Appreciation (copy attached) and it passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

COMMITTEE REPORTS

A. Personnel Committee – James Harter, Chair

No report

B. Public Works Committee – Michael Grim, Chair

The Chairman reported that the Committee met but there would be no action at this time

C. Water and Sewer Committee – Joy Shull, Chair

Vice Mayor Shull said that the Council had the report in the packets regarding the meeting of the Committee. She moved that the Town of Stephens City request an additional 100,000 gallons of water capacity to be included in the agreement currently in discussion with Frederick County Sanitation Authority. Council member Hollis asked if the projections indicated only 100,000 was needed. Vice Mayor Shull said that only 100,000 gallons was decided on for the moment but the Authority agreed to requests for additional capacity as needed up to 300,000 gallons. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

Vice Mayor Shull reported that currently availability fees are paid when service is requested and after discussion the Committee would like to change this. She moved that the availability fees be required to be paid when building permits are issued. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

Mayor Ewing asked Mr. Giffin if a public hearing was required and he said that there were no changes to fees so a public hearing was not necessary. Mr. Kehoe said it was a change to the ordinance only. Mayor Ewing said a public hearing would be scheduled for next meeting.

PLANNER’S REPORT – Brian Henshaw

Town Planner, Brian Henshaw updated council. He reported that Planning Commission will hold a public hearing on CIP and the official zoning map at the next meeting and that HPC did not meet in February.

He reminded the members that the joint retreat with Planning Commission would be held on March 28th from 9 am to 4 pm and he was continuing to put together an agenda.

Mr. Henshaw said he was working with the Town Manager on the stimulus package for proposals only. He said they would continue to assess what to do with any stimulus funds.

Mr. Henshaw reported that the Stephens City Business Association had a good networking session last week. They would be sponsoring an Easter event on the Commons on Friday, April 3 to be called “Hop In at the Commons” with various activities geared to children and families. He said they plan to continue the socials every other month and did appoint chair persons. He said they were seeing a lot of good outreach between businesses on both sides of the interstate. He said his focus would continue to be businesses in town but all the businesses were working together and supporting each other.

TOWN MANAGER’S REPORT – Mike Kehoe

1. Mr. Kehoe reported that Stephens City listed several projects to the Governor’s website for stimulus fund projects: water and sewer were listed as priority, then transportation projects, the old school restoration project, parks and broad ban construction. He said these projects are all on the Town’s CIP and could be close to being ready to bid.

2. He said the town was in talks with the Town of Middletown about cost-sharing initiatives such as purchasing of equipment and supplies. He added these would be of mutual benefit and save both towns money.
3. Mr. Kehoe also reported he had put a request in to the Regional Detention Center to use inmates to assist on clean-up projects around town.
4. He also advised that Bob Florence had retired as a full time maintenance worker as of February 28. He said the town may still use Bob's services from time to time on a part time basis and wished Bob the best of luck.
5. Mr. Kehoe reported that the Mulberry Street sidewalk project is scheduled to restart this month after two years of plan revision and review and final approval by VDOT.
6. He said that work is continuing on the budget.
7. He reminded those present that the Newtown Heritage Festival would be on Memorial Day weekend and the committee was working hard to make it a successful event in spite of lack of funding.

COUNCIL COMMENTS/CALENDAR

Council amended the calendar to include the joint retreat for Planning Commission and Town Council.

There being no further business, Council member Grim moved to adjourn at 8:30 p.m. and the motion carried.

Ray E. Ewing, Mayor Ray Ewing

Dianne L. MacMillan, CMC, Town Clerk